

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WALTER A. TORMASI,

Plaintiff,

V.

GEORGE W. HAYMAN, et al.,

Defendants.

Civil Action No. 08-5886 (JAP)

ORDER

This matter having come before the Court upon Motion by *pro se* Plaintiff Walter A. Tormasi (“Plaintiff”) for issuance of an Alias Summons and Marshal’s Service of Process on Defendants Derek Butler, Harrison, and Victor Sierra [dkt. entry no. 26], returnable January 4, 2009; and no opposition having been filed; and Plaintiff stating that “I specified the Department of Corrections headquarters on Whittlesey Road as ‘serve at’ addresses [a]s reflected on my USM-285 return, however, the Marshal was unable to locate [D]efendants Butler, Harrison, and Sierra at such location” (Pl.’s Decl. at ¶3); and Plaintiff also stating that “I thereafter completed new USM-285 forms . . . this time specifying New Jersey State Prison (NJSP) as ‘serve at’ address” (*Id.* at ¶4); and Plaintiff further stating that “I received correspondence from USM civil desk . . . [stating] ‘[y]ou must petition the court to issue an ‘Alias Summons’ so that service can be made on ‘Derek Butler, FNU Harrison, and Victor Sierra’” (*Id.* at ¶5); and the Court noting that pursuant to Federal Rule of Civil Procedure 4(c)(3), “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal . . . [and] [t]he court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915”; and the Court having reviewed Plaintiff’s submissions; and the Court having considered the matter pursuant to FED. R. CIV. P. 78; and good cause having been shown;

IT IS on this 11th day of January, 2010,

ORDERED that Plaintiff's Motion for issuance of an alias summons and Marshal's Service

of Process for Defendants Derek Butler, Harrison, and Victor Sierra at the New Jersey State Prison [dkt. entry no. 26] is **GRANTED**; and it is

FURTHER ORDERED that the Clerk of the Court shall issue an alias summons with respect to Defendants Derek Butler, Harrison, and Victor Sierra; and it is

FURTHER ORDERED that the Marshals effectuate service of process on Defendants Derek Butler, Harrison, and Victor Sierra pursuant to Federal Rule of Civil Procedure 4(c)(3) no later than **February 8, 2010**.

s/ Douglas E. Arpert _____

DOUGLAS E. ARPERT

UNITED STATES MAGISTRATE JUDGE